

## **REMARKS**

### **A. Status of the Claims / Amendments to the Claims**

In the Office Action of June 9, 2009, the status of the claims was as follows:

(1) Claims 56-60 and 63-66 were treated as “withdrawn” based on unity of invention issues.

(2) Claim 70 was rejected under 35 U.S.C. §112, first paragraph.

(3) Claims 61, 62 and 67-70 were rejected on various prior art grounds under 35 U.S.C. §102(e) and U.S.C. §103(a).

In this Amendment and Response/RCE, previously submitted Claims 56-70 have been canceled. New Claims 71-90 have been added.

No new matter has been added. The new claims are fully supported by the original disclosure. In particular, the new claims are supported by the disclosure at page 2, line 12 to page 3, line 14 of the Specification, by the Examples at page 18, line 11 to page 21, line 4 of the Specification, and by originally-filed Claims 1-32.

In view of the new claims and the following Remarks/arguments for patentability, Applicants respectfully submit that new Claims 71-90 are patentable over the prior art of record.

### **B. Telephone Interview of September 23, 2009**

Applicants’ attorney acknowledges the courtesy of a telephone interview on September 23, 2009 with Examiner Yamnitzky concerning the outstanding Patent Office Action/Final Rejection. Applicants further acknowledge the Examiner’s Interview Summary dated September 24, 2009.

Applicants confirm that the Examiner's Interview Summary is a brief but accurate record of the matters discussed during the September 23, 2009 telephone interview. This confirmation is believed to comply with MPEP Sec. 713.04.

**C. Amendments to the Specification**

The Specification has been amended herein to add a Cross-Reference to related applications consistent with the USPTO Filing Receipt for this application. The amendments to the chemical formulas at pages 19 and 20 of the Specification correct obvious typographical errors.

**D. Section 112 Issues**

Based on the previously-referenced telephone interview of September 23, 2009, Applicants have carefully drafted new Claims 71-90 to try to avoid any of the possible Section 112 issues discussed during that telephone interview.

**E. The Scope of Claims 71-90 Distinguishes Over Tsuboyama '802**

The scope of Claims 71-90 is limited to diiridium compounds that are within the scope of this invention, but which are different from and outside the scope of any of the electroluminescent compounds either actually disclosed by the Tsuboyama '802 reference or that might arguably be hypothetically encompassed by the generic chemical formulas in Tsuboyama '802.

Because Claims 71-90 distinguish over Tsuboyama '802, in the absence of additional relevant prior art, the method claims here presented (namely Claims 71-76 and 81-85) should

Application Serial No. 10/540,732  
Amendment and Response/RCE

PATENT  
Attorney Docket No.: LUC-015


be considered together with the device claims (Claims 77-80) and the compound claims (Claims 86-90), consistent with the discussions during the telephone interview of September 23, 2009.

### **SUMMARY AND CONCLUSIONS**

For all of the foregoing reasons, Claims 71-90 now pending in this application are believed to be in condition for allowance and an early notice thereof is earnestly requested.

Respectfully submitted,

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